

App. No. 09/483,666
Examiner Colbert
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REMARKS

Status of the Claims

Claims 1-4 (Currently Amended)

Claims 5-20 (Previously Presented)

As a result of the foregoing Amendment, the following claims remain pending in the application: 1-20.

Claims 1-4 have been amended to indicate more clearly the estimated tax refund is determined prior to the end of the current tax year using historical tax refund data and year-to-date income and expense data.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 1-20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Longfield (U.S. Pat. 4,890,228) in view of "1040-ES Estimated Tax for Individuals 1998." With respect to claims 1-5, the Office Action states that Longfield teaches historical tax refund data comprising income tax refund data for at least one year prior to the current year, year-to-date income data and year-to-date expense data wherein the date is prior to the end of the current tax year, a process for processing the historical income tax refund data and year-to-date income and expense data to determine an estimated tax refund amount based on the tax data, a loan that is provided to a taxpayer prior to the end of a tax year based on the estimated tax refund amount, and an income tax refund for the current year based on actual income and expense data and filed after the current tax year. The Office Action further states that Longfield fails to teach year-to-date expense data. The 1040-ES reference is relied upon to teach year-to-date

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expense data. The Examiner states it would have been obvious to one having ordinary skill in the art at the time the invention was made to have year-to date expense data for the current year and to modify Longfield because such a modification would allow Longfield to keep track of the expense data and to claim it when filing an estimated tax return.

Applicant respectfully traverses the rejections. Applicant further respectfully submits that contrary to the Examiner's assertion, Longfield 1) does not teach or even suggest using historical income tax refund data and year-to-date income data for a date prior to the end of the current year for any purpose at all, 2) does not teach or suggest estimating a tax refund prior to the end of the current tax year using historical income tax refund data and year-to-date income data for a date prior to the end of the current year, and 3) does not teach or even suggest providing a loan prior to the end of a tax year. Longfield simply does not provide the teachings asserted in the Office Action and therefore, cannot be combined with 1040-ES to support the claim rejections.

Longfield is directed to a refund anticipation loan that is provided to a taxpayer as a result of the preparation and filing of a tax return for the current tax year. The tax return cannot be prepared and filed until a taxpayer has all relevant data for the current tax year. Historical income tax refund data and year-to-date income and expense data for a date prior to the end of the current year are completely irrelevant for the purpose of preparing and filing a tax return for a current tax year using actual tax data. Longfield does not teach or even suggest collecting or using historical income tax refund data and year-to-date income and expense data for a date prior to the end of the current year for any purpose at all.

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Longfield further does not teach or even suggest collecting or using historical income tax refund data and year-to-date income and expense data for a date prior to the end of the current year for the purpose of estimating a tax refund. In Longfield, a tax refund amount is determined using actual data that is entered into a data processing system for the purpose of preparing and filing a tax return. Any refund amount is determined as part of the process of preparing and filing the tax return and is based on actual tax data used to prepare the tax return. Longfield does not teach or even suggest estimating a tax refund prior to the end of the current tax year, and therefore, does not teach or even suggest collecting or using historical income tax refund data and year-to-date income and expense data for a date prior to the end of the current year for the purpose of estimating a tax refund.

In Longfield, the taxpayer must wait until the end of the tax year to submit his or her tax data for preparation and filing of a tax return. Because a loan in Longfield is obtained in conjunction with the preparation and filing a tax return for the current tax year when the taxpayer must have all tax data for completion of the tax return, the loan is not, and in fact, cannot be provided prior to the end of a tax year. Therefore, Longfield does not teach or even suggest providing a loan prior to the end of a tax year.

One of the Longfield passages cited in the Office Action to support the claims rejections states "[t]he tax preparer gathers all the necessary information from a client to **file** a tax return." (Col. 3, lines 40-41, emphasis added). Another cited passage states "... a check is mailed to **the tax filer**" (Col. 3, line 10, emphasis added). Additional cited passages state "... the preparer can **transmit the returns** to the remote processing center ..." (Col. 4, lines 9-10, emphasis added); "[t]he week **after a tax**

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return has been accepted by the IRS ..." (Col. 4, lines 20-21, emphasis added); and "... [t]he invention permits a taxpayer to obtain a refund loan within one or two days of *filing his tax return* ..." (Col. 4, lines 32-34, emphasis added). Each of the cited passages indicate clearly that Longfield is directed to only to the preparation and filing a tax return for the current tax year when the taxpayer has actual tax data to complete the tax return.

Applicant respectfully submits that Longfield fails to teach or even suggest important aspects of the present invention that are asserted by the Examiner to be disclosed in the reference and therefore, it cannot support the present rejections, and when combined with other references including the 1040 ES reference, does not support the present rejections.

Applicant respectfully submits that none of the references cited in the Office Action alone or in combination teach or suggest granting of loans to taxpayers prior to the end of the current tax year based on year-to-date information and prior income tax refunds, and therefore, the claims are allowable as written.

Respectfully submitted,

Date: October 13, 2005

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